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### NEWS OF THE PROFESSION.

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Ernest Houston McClinton, a prominent attorney of Monterey, Highland County, Va., died in Richmond, Va., where he had gone for treatment, on February 25th, 1908, of Bright's disease. He was born in Bath County on January 5th, 1868, attended Bethel Military Academy and the University of Virginia and taught for five years, during three of which he was principal of a high school at Monroe, Louisiana. He graduated at the law school of Washington and Lee University in 1896 and practiced in Highland and the adjoining counties until a short time before his death. He was a lawyer of skill, ability and recognized standing, with a mind well stored with information gained by reading and traveling through America and Europe. His death is one deeply regretted by those who knew him best, and a distinct loss to the State and profession.

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### NOTES OF CASES.

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**Variance.**—A count based on negligence in an action by an administrator to recover damages for the death of his intestate is not supported by proof of a willful and wanton wrong resulting in the death of plaintiff's intestate, according to the decision of the Alabama Supreme Court in *Louisville & N. R. Company v. Perkins*, 44 Southern Reporter, 602.

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**Protection of Plaintiff from Arrest as a Lunatic in a Proceeding Had by Him in Court.**—The case of *John Armstrong Chanler v. Thomas T. Sherman*, depending in the United States Circuit Court of Appeals for the Second Circuit of the State of New York raises an exceedingly interesting question. Mr. Chanler was declared a lunatic in the State of New York and consigned to Bloomingdale. He came to his home in Virginia and in 1901 the County Court of Albemarle County declared him to be perfectly sane and competent. Mr. Chanler had litigation pending in the State of New York in which his personal presence was absolutely essential in order properly to protect his interests. He prayed for an order in the Circuit Court prohibiting all parties from interfering, molesting, detaining or incarcerating him against the courts or persons in the State of New York whilst he was present in the City of New York for the purpose of attending the trial of the issues in the District Court. Mr. Chanler has filed a very strong brief in the case, citing abundant authority to show that he was in the right of his case in asking this prohibition. Lack of space in the present number prevents us from going at length into this very interesting question, but we hope at a subsequent date